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MAILED
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In re Application of
Nakagawa
Application No. 09/894,628
Filed: June 28, 2001
Attorney Docket No. 450100-03297

OFFICE OF PETITIONS

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed October 14, 2009, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. As no claim was allowed, the application became abandoned on November 11, 2010. See MPEP 1215.04. Petitions under 37 CFR 1.137(b) were dismissed on August 8, 2011 and September 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620.00; and (3) a proper statement of unintentional delay.

A review of the record shows that applicant has provided a duplicate petition fee of \$1620 and a duplicate RCE fee in the amount of \$930.00. The fees will be refunded.

This application is being referred to Technology Center AU 3621 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions